

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

MICHAEL L. McCLEARY,

Plaintiff,

vs.

NEBRASKA NORTHEASTERN RAILWAY,

Defendant.

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CASE NO. 8:04CV42

ORDER OF DISMISSAL

This matter is before the Court on the Joint Motion to Dismiss with Prejudice (Filing No. 54). The joint motion complies with the requirements of Fed. R. Civ. P. 41(a)(1)(ii). The Court, being fully advised in the premises, finds that dismissal is appropriate. Accordingly,

IT IS ORDERED:

1. The Joint Motion (Filing No. 54) is granted;
2. The Complaint is dismissed with prejudice; and
3. The parties shall pay their own costs and attorney's fees.

DATED this 20th day of October, 2005.

BY THE COURT:

s/Laurie Smith Camp
United States District Judge